

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70273 of 2024

Arising Out of PS. Case No.-280 Year-2022 Thana- BAHERA District- Darbhanga

1. Md. Quamrul Husan @ Md Kamali Huasan @ Quamarul Hasan @ Kamrul Hasan @ Quamrul Hasan Son of Md Abdul Majid @ Abdul Mazid @ Late Md. Mazid Resident of Village- Badarbanna, P.S.- Bahera, Distt.- Darbhanga (Bihar)
2. Md. Sarfarz @ Ajmal @ Md. Sarfraz Son of Md. Sabbir Ahamad @ Md. Sabbir Resident of Village- Badarbanna, P.S.- Bahera, Distt.- Darbhanga (Bihar)
3. Md. Shakil Ahamad @ Shakil @ Md. Sakil Son of Md. Sabbir Ahamad @ Md. Shabbir Resident of Village- Badarbanna, P.S.- Bahera, Distt.- Darbhanga (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra, Advocate
For the Opposite Party/s : Mr. Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 27-09-2024 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in Sessions Trial No. 113 of 2024, arising out of Bahera P.S. Case No. 280 of 2022, instituted for the offences punishable under Sections 147, 148, 341, 323, 325, 308, 379, 448, 427 and 506 of the Indian Penal Code.

3. The prosecution case, in short, is that, the petitioners along with other co-accused persons entered the



house of the informant and assaulted the informant and his family members causing injuries to them and while leaving they took away a number of household articles with them.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case. No incriminating material have been recovered from the conscious possession of the petitioners. Learned counsel for the petitioners also submits that no specific overt act has been attributed against the petitioners. The allegations levelled against the petitioners are general and omnibus in nature. It is alleged that petitioner no. 1 ordered the other co-accused persons to assault the informant and also to loot his household articles. It is also submitted that there are several case and counter case are pending between the parties. The petitioners are in custody since 13.10.2023 and have got four criminal antecedents each. Learned counsel for the petitioners further submits that similarly situated co-accused has been granted anticipatory bail by this Court vide order dated 26.04.2024 passed in Cr. Misc. No. 22642 of 2024.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioners.

6. Considering the aforesaid facts and circumstances



of the case, case and counter case and taking into account the period of custody undergone by the petitioners, this Court is inclined to grant bail to the petitioners.

7. Let the petitioners be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Sessions Trial No. 113 of 2024, arising out of Bahera P.S. Case No. 280 of 2022.

(Rudra Prakash Mishra, J)

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